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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,780	12/11/2003	Jonathan M. Liss	1065	8183
32047 7590 06/20/2007 GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC 55 SOUTH COMMERICAL STREET MANCHESTER, NH 03101				
			EXAMINER PANTOLIANO JR, RICHARD	
			ART UNIT 2194	PAPER NUMBER
			MAIL DATE 06/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,780

Applicant(s)

LISS ET AL.

Examiner

Richard Pantoliano Jr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31-35, 37, 39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31-35, 37, 39 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


WILLIAM THOMSON
ADVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 20050204, 20051202.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is the initial office action for Application# **10/733,780** filed on **11 December 2003**. **Claims 1, 9, 17, 25 and 33** were amended and **Claims 4, 6, 12, 14, 20, 22, 28, 30, 36 and 38** were cancelled by preliminary amendment filed on **02 December 2005**. **Claims 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31-35, 37,39, and 40** are currently pending and have been considered below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3, 5, 7-11, 13, 15-19, 21, 23-27, 29, 31-35, 37,39, and 40** are rejected under 35 U.S.C. 102(b) as being anticipated by Golov et al (US Pat: 6,124,790), hereinafter Golov.

4. As to **Claim 1**, Golov discloses the invention substantially as claimed including a method of managing an event toggling between first and second event states in a network management system, said method comprising:

a) determining if said event maintains one of said first and second states for a predetermined amount of time (Col. 5, lines 16-31); and

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b) reporting said one of said first and second states after said one of said first and second states is maintained for said predetermined amount of time (Col. 5, lines 16-31),

c) wherein said reporting said event as having said one of said first and second states comprises reporting said event as achieving said one of said first and second states at a time associated with a last state change of said event (Col. 5, lines 16-31).

5. As to **Claim 2**, Golov further teaches wherein said event is an alarm (Col. 5, lines 16-31).

6. As to **Claim 3**, Golov further teaches wherein said first state is an alarm set state, and said second state is an alarm clear state (Col. 5, lines 1-15).

7. As to **Claim 5**, Golov further teaches reporting a number of times said event toggled between said first and second states (Col. 7, line 45 – Col. 8, line 54).

8. As to **Claim 7**, Golov further teaches reporting said event as being in a toggling condition (Col. 6, lines 27-58).

9. As to **Claim 8**, Golov further teaches reporting said event as not being in a toggling condition (Col. 6, lines 27-58).

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10. As to As to **Claims 9-11, 13, 15 and 16; Claims 17-19, 21, 23 and 24; and Claims 25-27, 29, 31, and 32**, being directed to a method, machine readable medium, and system having substantially the same limitations as **Claims 1-3, 5, 7, and 8**, respectively, these claims are rejected for the same reasoning as applied to **Claims 1-3, 5, 7, and 8** above.

11. As to **Claim 33**, Golov discloses the invention substantially as claimed including an optical communication system comprising:

a) at least one transmitter for transmitting an optical signal to a receiver through an optical information channel, at least one of said transmitter, said receiver and said optical information channel comprising at least one apparatus for reporting an event (Col. 4, lines 13-26) (The "optical network units" and "optical line terminators" meet this claim limitation); and

b) a network management system coupled to the optical communication system for receiving said report of said event, said network management system comprising a machine-readable medium whose contents cause said network management system to perform a method comprising (Col. 4, lines 35-51) (The "management console" meets this claim limitation):

c) determining if said event maintains one of a first and a second state for a predetermined amount of time (Col. 5, lines 16-31); and

d) reporting said one of said first and second states after said one of said first and second states is maintained for said predetermined amount of time (Col. 5, lines 16-31),

e) wherein said reporting said event as having said one of said first and second states comprises reporting said event as achieving said one of said first and second states at a time associated with a last state change of said event (Col. 5, lines 16-31).

12. As to **Claims 34, 35, 37, 39, and 40**, being directed to the same limitations as **Claims 2, 3, 5, 7 and 8**, respectively, these claims are rejected for the same reasoning as **Claims 2, 3, 5, 7 and 8** above.

Conclusion

13. The prior art made of record on the P.T.O. 892 that has not relied upon is considered pertinent to applicant's disclosure. Careful consideration of the cited art is required prior to responding to this Office Action, see 37 C.F.R. 1.111(c).

14. Examiner has cited particular columns and line numbers and/or figures in the references as applied to the claims for the convenience of the applicant. Applicant is reminded that rejections are based on references as a whole and not just the cited passages. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or

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part of the claimed invention, as well as the context of the passage as taught by the cited art or disclosed by the examiner.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Pantoliano Jr whose telephone number is (571) 270-1049. The examiner can normally be reached on Monday-Thursday, 8am - 4 pm EST.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571)272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RP
06/14/2007


WILLIAM THOMSON
ADVISORY PATENT EXAMINER